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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,318

12/02/2003

Howard E. Sellers

203-003.001 Sellers

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08/17/2006

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EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/726,318

Applicant(s)

SELLERS, HOWARD E.

Examiner

Tiffany L. Webb

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7, 9-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendrickson (JP 09188117A). Regarding claims 1, 10, and 11, Hendrickson discloses having a suspension assembly (see Figure 1) including a leaf spring suspension system (20) including, an axle (4), a leaf spring (20) secured to the axle at an intermediate portion (see Figure 1) by way of at least one u-bolt (5), a single resilient bolster spring (30) having opposite ends interposed between said leaf spring and said undercarriage (see Figure 1), one end of a bolster spring secured to the leaf spring over the axle (5) at a first bracket, and the other end of the bolster spring extending over and along the leaf spring and secured to the under carriage (30) at a second bracket. Regarding claim 2, Hendrickson discloses including a first bracket on the end of the bolster spring (5) and a second bracket on the other end of the bolster spring (30). Regarding claim 3, Hendrickson further discloses the second bracket offset vertically and laterally from said first bracket (see Figures 1 and 2). Regarding claim 4, Hendrickson discloses that the other end of the bolster spring is spaced higher than the one end of the bolster spring and extending toward one end of the leaf spring (see Figure 1). Regarding claim 5, Hendrickson discloses a bolster spring comprising a plurality of stacked cores (32), each laterally offset, a rigid separator plate (33) between each core, and a first endplate (35) and a second endplate (34) forming the ends of the bolster spring. Regarding

Art Unit: 3616

claim 6, Hendrickson further discloses the cores and separator plates being generally vertical and the other end of the bolster spring spaced forwardly and upwardly apart from one end of the bolster spring (see Figure 1). Regarding claim 7, Hendrickson further discloses the cores and separator plates being angularly offset from a vertical orientation between about five degrees and twenty-five degrees (see Figures 1 and 4). Regarding claim 9, Hendrickson discloses a suspension system (see Figure 1) including an axle (4), the axle secured to an undercarriage of a vehicle by a resilient suspension means including a leaf spring (28); a bolster spring including a plurality of stacked planar cores (32), offset laterally; a rigid planar separator (33) between each pair of cores, the cores and separators being between a first endplate (35) and a second endplate (34); a bracket (5) for connecting the first endplate to a leaf spring, a second bracket (30) for connecting the second endplate to the undercarriage; having a method of assembly including securing said second bracket to the undercarriage such that the bolster spring is angularly positioned between the axle and the undercarriage (see Figure 1), and securing the first bracket to the leaf spring over the axle (see Figure 1). Regarding claim 12, Hendrickson discloses the u-bolt (5) connects the first bracket to the leaf spring (see Figure 1). Regarding claim 13, Hendrickson discloses the first bracket having a pair of mounting holes configured to receive the u-bolt. Regarding claim 14, Hendrickson discloses the second bracket is located forward of said first bracket (see Figure 1, 32 with relation to 34). Regarding claim 16, Hendrickson discloses the first bracket having a horizontal plate and a vertical plate (see Figure 1).

***Claim Rejections - 35 USC § 103***

Art Unit: 3616

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson in view of Hickman (3,606,376). Hendrickson is discussed above, and fails to disclose the first bracket having a pair of mounting holes for the u-bolt or having a leaf spring support block between the axle and the leaf spring. Hickman discloses having a u-bolt securing the axle to leaf spring and also having a support block (47) between the axle and the leaf spring (see Figure 2). Hickman further discloses having a bracket on the topside of the leaf spring having holes in it for attaching the u-bolt to the axle. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the u-bolt connection and the support block of Hickman on the suspension system of Hendrickson in order to provide a connection in order provide a spacer for between the axle and the leaf spring and to better secure the axle to the leaf spring.

***Allowable Subject Matter***

5. Claims 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 6/5/2006 have been fully considered but they are not persuasive. The applicant argues that Hendrickson does not anticipate having a "single resilient bolster." Hendrickson, however, does disclose having a single resilient bolster before and a single resilient bolster aft the axle. By adding "single" to the claims, this does not define over the prior art.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.


Art Unit: 3616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tiffany L Webb  
Examiner  
Art Unit 3616

tlw

 8/16/06  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600